

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Lyon	Team: Squad #10	CCRB Case #: 201908824	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/12/2019 5:45 AM	Location of Incident: § 87(2)(b)	Precinct: 28	18 Mo. SOL 3/12/2021	EO SOL 10/27/2021	
Date/Time CV Reported Tue, 10/08/2019 9:56 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 10/08/2019 9:56 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Richard Thompson	05977	902473	WARRSEC
2. SDS Christophe Castle	03409	928041	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Joseph Condello	07746	911900	WARRSEC
2. DT1 William Gonzalez	04336	894480	WARRSEC
3. DT2 Christophe Covatti	01025	906017	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Richard Thompson	Abuse: Detective Richard Thompson threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.SDS Christophe Castle	Abuse: Sergeant Christopher Castle threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.DT2 Richard Thompson	Abuse: Detective Richard Thompson entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
D.SDS Christophe Castle	Abuse: Sergeant Christopher Castle entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
E.DT2 Richard Thompson	Abuse: Detective Richard Thompson searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
F.SDS Christophe Castle	Abuse: Sergeant Christopher Castle searched § 87(2)(b) in Manhattan.	§ 87(2)(b)

### Case Summary

On October 8, 2019, Jaqueline § 87(2)(b) filed this complaint online with the CCRB. The complaint was originally assigned to Investigator Hannah Sampson on October 10, 2019. On November 20, 2019, the case was reassigned to Investigator Matthew Corwin. On November 25, 2019, the case was reassigned to Investigator Kelly Lyon. On January 13, 2020, § 87(2)(b) filed this complaint with IAB by email. The complaint was received as a duplicate complaint at the CCRB on January 31, 2020, under IAB log #2020-2252.

On September 12, 2019, at approximately 5:45 a.m., Detective Thompson, Sergeant Christopher Castle, Detective Joseph Condello, Detective Christopher Covatti, and Det. William Gonzalez of the Regional Fugitive Taskforce, along with unidentified state and city corrections officers and a U.S. Marshal, came to § 87(2)(b)'s home, located at § 87(2)(b) in Manhattan. § 87(2)(b) was not home, however, her son, § 87(2)(b) was at the apartment. Det. Thompson was leading an investigation into § 87(2)(b), an individual who was wanted for a diamond robbery. Det. Thompson came to § 87(2)(b)'s home to speak with § 87(2)(b). § 87(2)(b) initially refused to open the door for Det. Thompson. Det. Thompson allegedly told § 87(2)(b) that he had an arrest warrant and threatened to arrest § 87(2)(b) (**Allegations A and B: Abuse of Authority – Threat of arrest, § 87(2)(g)**). § 87(2)(b) eventually opened the door, and Det. Thompson and Sgt. Castle entered the apartment (**Allegations C: Abuse of Authority – Entry of premises, § 87(2)(g)** and **Allegation D: Abuse of Authority – Entry of premises, § 87(2)(g)** and **Allegations E and F: Abuse of Authority – Search of premises, § 87(2)(g)**). It was unclear which additional officers, NYPD or non-NYPD also entered the apartment. Inside, Det. Thompson asked § 87(2)(b) about his relationship with § 87(2)(b). By the time § 87(2)(b) returned home all the officers had left. Det. Thompson left his business card with § 87(2)(b).

This incident resulted in no summonses or arrests.

§ 87(2)(b) provided two surveillance videos that she obtained from the lobby of § 87(2)(b) (**BR 01 and BR 02; videos** and **BR 03; summaries**). These videos captured the officers entering the lobby of the building but did not capture any of the allegations. There was no other known video.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Richard Thompson threatened to arrest § 87(2)(b)**

**Allegation (B) Abuse of Authority: Sergeant Christopher Castle threatened to arrest § 87(2)(b)**

**Allegation (C) Abuse of Authority: Detective Richard Thompson entered § 87(2)(b) in Manhattan.**

**Allegation (D) Abuse of Authority: Sergeant Christopher Castle entered § 87(2)(b) in Manhattan.**

**Allegation (E) Abuse of Authority: Detective Richard Thompson searched § 87(2)(b) in Manhattan.**

**Allegation (F) Abuse of Authority: Sergeant Christopher Castle searched § 87(2)(b) in Manhattan.**

It was undisputed that Det. Thompson and Sgt. Castle entered § 87(2)(b)'s home and spoke with her son § 87(2)(b). It was disputed whether Det. Thompson or Sgt. Castle stated they had an arrest warrant and threatened to arrest § 87(2)(b).

§ 87(2)(b) consistently stated (**BR 04, BR 05, and BR 06**) that she was asleep when she received a call from her superintendent § 87(2)(b) and a call from Det. Thompson. § 87(2)(b) called § 87(2)(b) back and he told her that police officers came to the building and stated they had a warrant for § 87(2)(b)'s arrest. Det. Thompson said in his voicemail that he was trying to get into her apartment because he had a warrant for § 87(2)(b)'s arrest and that § 87(2)(b).

had some connection to a male, § 87(2)(b) who committed a robbery and stole millions of dollars' worth of diamonds in the Diamond District.

§ 87(2)(b) returned to her building and the officers had already left. § 87(2)(b) told § 87(2)(b) that the officers told him they had a warrant for his arrest however they did not provide any warrant. § 87(2)(b) told § 87(2)(b) that he purchased marijuana from § 87(2)(b) once or twice. § 87(2)(b) called Det. Thompson and asked him why he went into her apartment. Det. Thompson said he would call her back and he never did. § 87(2)(b) was diagnosed with schizophrenia and Bipolar Disorder prior to this incident. This incident caused § 87(2)(b) so much emotional distress that he fell into depression, became unstable, and had to be institutionalized on § 87(2)(b).

That same day § 87(2)(b) called Det. Thompson and recorded the call (**BR 07**; audio and **BR 08**; summary). Det. Thompson explained that he and the other officers went into the apartment and had to make sure everything was safe, and that § 87(2)(b) was not there. Det. Thompson told § 87(2)(b) that § 87(2)(b) bought marijuana from § 87(2)(b) and spoke to him numerous times.

§ 87(2)(b) declined to provide a statement (**BR 09**).

§ 87(2)(b) stated (**BR 10**) that the doorman called him and informed him that there were police officers upstairs and the occupant of § 87(2)(b) was refusing to open the door. § 87(2)(b) went to § 87(2)(b) and observed four to five officers inside of the apartment and four officers outside of the apartment in the hallway. The officers inside the apartment were inside the kitchen/living room area at the front of the apartment. The officers were asking § 87(2)(b) how he was related to § 87(2)(b). Officers asked § 87(2)(b) whether he was a friend or relative of § 87(2)(b) and stated that they got § 87(2)(b)'s phone number from § 87(2)(b)'s phone. § 87(2)(b) explained that he only ever bought marijuana from § 87(2)(b). Officers told § 87(2)(b) that § 87(2)(b) had eventually opened the door for them.

Det. Thompson stated (**BR 11**) that he was leading an investigation into § 87(2)(b) who had robbed a diamond store on § 87(2)(b), with two other individuals. Det. Thompson was in charge of apprehending § 87(2)(b). Det. Thompson had been tracking § 87(2)(b)'s call records. § 87(2)(b)'s son, § 87(2)(b) had made a large volume of calls to § 87(2)(b) between the time of the robbery and the date of this incident.

On September 12, 2019, Det. Thompson and his team went upstairs to § 87(2)(b) and knocked on the door. Det. Thompson spoke to § 87(2)(b) through closed door and explained that he was there to talk to him. Det. Thompson did not have a warrant for § 87(2)(b) and did not recall whether there was an open unrelated warrant. Det. Thompson never threatened to arrest § 87(2)(b). Det. Thompson did not have a search warrant for the address. § 87(2)(b) refused to open the door.

Det. Thompson went downstairs and spoke to the doorman who provided the desk phone which allowed Det. Thompson to speak to § 87(2)(b). Det. Thompson explained that he wanted to talk to § 87(2)(b) about an acquaintance of his. The doorman called § 87(2)(b) and Det. Thompson spoke to her and explained that he wanted to talk to § 87(2)(b) and that § 87(2)(b) would not let them inside. Det. Thompson believed § 87(2)(b) spoke with § 87(2)(b) as well because § 87(2)(b) then said Det. Thompson could come in the apartment. § 87(2)(b) did not give Det. Thompson consent to enter the apartment or search and he did not ask her. Det. Thompson observed on the doorman's computer that § 87(2)(b) was not permitted in § 87(2)(b)'s apartment. Despite the notation in the desk records that § 87(2)(b) was not supposed to be inside the apartment, Det. Thompson believed § 87(2)(b) had authority to consent to an entry because § 87(2)(b) said he was staying there.

Det. Thompson went upstairs, and the door was open. § 87(2)(b) was there and said Det. Thompson could come in. Det. Thompson entered the apartment and several officers went in with him, but he did not recall who. Det. Thompson believed § 87(2)(b) had authority to consent to the entry because § 87(2)(b) said he was staying there. Det. Thompson asked § 87(2)(b) if he could look around. § 87(2)(b) said that he could look around. Det. Thompson walked around the

apartment, did not recall whether he looked in the closet, and did not think he looked under the mattress.

Det. Thompson searched the apartment because he wanted to confirm that § 87(2)(b) was not inside the apartment. Det. Thompson thought it was possible § 87(2)(b) could have been there due to the recent volume of calls between him and § 87(2)(b). § 87(2)(b) explained that he had purchased marijuana from § 87(2)(b) several times and that was the extent of their relationship. Det. Thompson documented § 87(2)(b)'s consent to enter and search the apartment in the DD5.

In the DD5 (**BR 12**), Det. Thompson documented that § 87(2)(b) “eventually opened the door” in a location visited log. In this entry, Det. Thompson also documented the time, date, and location as well as § 87(2)(b)'s gender, race, and age.

Sgt. Castle stated (**BR 13**) that the visit to § 87(2)(b)'s apartment was an apprehension attempt. Det. Thompson was the lead detective on the case and Sgt. Castle was the highest-ranking NYPD officer on scene. Sgt. Castle stated that the federal agents on scene could give instructions to NYPD officers, however, he did not remember whether any federal agents had given instructions on that day.

Sgt. Castle stated that Det. Thompson wanted to go to § 87(2)(b)'s apartment because of § 87(2)(b) call records. When they got there, § 87(2)(b) initially refused to open the door. Det. Thompson went downstairs to talk to the doorman and got in contact with § 87(2)(b). Det. Thompson told Sgt. Castle that he told § 87(2)(b) that he wanted to speak to § 87(2)(b) regarding § 87(2)(b). Sgt. Castle did not remember whether Det. Thompson told him that § 87(2)(b) gave permission to enter her home.

Approximately 35 to 40 minutes later, § 87(2)(b) opened the door fully on his own and stepped back. Sgt. Castle did not remember whether anyone asked § 87(2)(b) for his consent to enter the apartment. Sgt. Castle did not hear Det. Thompson explaining anything to do with consent. Det. Thompson interviewed § 87(2)(b) and Sgt. Castle never spoke to him. Sgt. Castle did not remember § 87(2)(b) asking to see a warrant.

The interaction inside of the apartment lasted for approximately seven minutes and then Sgt. Castle and the other officers left the location. Sgt. Castle documented the entry into his memo book. Sgt. Castle did not remember giving any officers instructions to search the apartment. Sgt. Castle did not instruct any officer to prepare a consent to search form. Sgt. Castle explained that he attended a training several years ago which instructed officers not to prepare the consent to search form if they have not already been doing so. These were instructions from someone in the law department which took place at Warrant Squad Headquarters.

The statements § 87(2)(b) and Det. Thompson provided during the OG investigation (conducted by Sgt. Castle) (IAB Log #2020-01446; **BR 14**) were consistent with their CCRB statements. Sgt. Castle noted that he attempted to interview § 87(2)(b) but he refused to provide a statement. Sgt. Castle did not provide a statement about his own involvement in the incident. The disputed search of premises allegation was closed as unsubstantiated.

§ 87(2)(g)

New York City Administrative Code § 14-173 (**BR 15**) states that for a search based solely on consent, officers must articulate in plain and simple language in a non-threatening manner that the search is voluntary, and that the person may refuse the search. Officers must document the time, location, and date of such search, and the apparent race/ethnicity, gender, and age of the person who was the subject of the search.

Patrol Guide procedure 212-11 (**BR 16**) states that for all consent searches, a common law right of inquiry – consent search report must be prepared before the end of tour. The form must document the time, location, and date of such request, consent refusal and search if performed, the

apparent race, ethnicity, gender and age of the person who was the subject of such request and the MOS's name, command, tax or shield number.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**BR 17** and **BR 18**).
- Det. Thompson has been a member of service for 28 years and named a subject in 15 additional CCRB complaints and 22 additional allegations, one of which was substantiated.
  - 200711810 involved a substantiated allegation of an entry and search of premises against Det. Thompson. The Board recommended charges and the NYPD did not impose disciplinary action.
  - § 87(2)(g)
- Sgt. Castle has been a member of service for 19 years and named a subject in eight additional CCRB complaints and 23 allegations, none of which were substantiated.

○ § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 19, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**BR 19**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no record of convictions in New York City (**BR 20**).

• § 87(2)(b)

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Squad No.: 10

Investigator: Kelly Lyon  
Signature

Inv. Kelly Lyon  
Print Title & Name

02/16/2021  
Date

Squad Leader: Eric Rigie  
Signature

IM Eric Rigie  
Print Title & Name

2/17/2021  
Date

**CCRB Case # 201908824**

Reviewer:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Title & Name

\_\_\_\_\_  
Date